

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES

2 SKYLINE, 10th FLOOR

5203 LEESBURG PIKE

FALLS CHURCH, VIRGINIA 22041

AUG 6 1986

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. WEVA 85-169
Petitioner	:	A.C. No. 46-02493-03536
	:	
v.	:	Quinland No. 1 Mine
	:	
QUINLAND COALS, INC.,	:	
Respondent	:	

DECISION

Appearances: Sheila K. Cronan, Esq., Office of the Solicitor,
U.S. Department of Labor, Arlington, VA, for
Petitioner;
William D. Stover, Esq., Quinland Coals, Inc.,
Beckley, WV, for Respondent

Before: Judge Pauver

The Secretary of Labor brought this action for civil penalties under section 105 (d) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801, et seq. Having considered the hearing evidence and the record as a whole, 1/ I find that a preponderance of the substantial, reliable, and probative evidence establishes the following:

FINDINGS OF FACTS

1. Respondent's Quinland No. 1 Mine was formerly owned and operated by Westmoreland Coal Company under the name of Ferrell Mine.

1/ Respondent's Objection to Acceptance of Posthearing Evidence is rejected. The preshift reports of Dayton Lane are the best evidence of the reports filed by Lane. They are received as evidence in this proceeding. Respondent's Motion for a Protective Order is moot, because no other preshift reports of Lane were submitted by the Secretary after such motion and before entry of this Decision.